

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff.

v.

TIMOTHY JOSEPH LEIWEKE,

Defendant.

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Criminal No. 1:25-CR-00344 ADA

CONSENTED-TO MOTION TO AMEND PROTECTIVE ORDER

The United States of America, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure and Rule 502(d) of the Federal Rules of Evidence, hereby moves to amend the Protective Order entered in this case on August 8, 2025 (Dkt. No. 29), so as to add two sentences to Paragraph 2 of the Protective Order, the remainder of the Order being unchanged, and to replace the Protective Order with an amended Protective Order.

The proposed amendment would add the following two sentences to Paragraph 2 of the existing Order:

Pursuant to Federal Rule of Evidence 502(d), the Department of Justice's disclosure of Protected Materials shall not constitute a waiver of any work-product protections or other privileges that may apply in this case or in any other state or federal proceeding. By this paragraph, the defense is not agreeing that any Protected Materials are in fact protected by any work-product protections or other privileges; the defense reserves the right to challenge any claim of work-product protection or other privilege; and the defense also does not waive any claim to receive discoverable materials, or to Brady, Giglio, and their progeny in this case, but the defense will not claim that production is a waiver.

The purpose of the proposed amendment is to facilitate the Government's production of material in discovery without the need for litigation over potential privilege.

On October 30, 2025, counsel for Defendant Timothy J. Leiweke consented to this Motion.

The proposed and agreed-upon Amended Protective Order is attached as **Exhibit A** and a redline comparing the current Protective Order and the proposed Amended Protective Order is attached as **Exhibit B**.

Respectfully submitted on October 31, 2025.

By: /s/ Ryan D. Budhu
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